

Atty. Dkt. No. 035451-0146 (3683.Palm)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-40 are now pending in this application.

Claim Rejections under 35 U.S.C. §103

In Section 1 of the Office Action the Examiner rejected claims 1-9, 12-15, 17-19, 22-31, 34-37, 39, and 40 under 35 U.S.C. §103 as being anticipated by Ogura et al. (U.S. Patent No. 6,189,056) in view of "Ross et al. (5859629)". In section 7 of the Office Action the Examiner rejected claims 10, 16, 20, 32, and 38 as being unpatentable over Ogura et al. in view of "Ross et al. (5859629)," further in view of Kotchick et al. (U.S. Published Patent Application No. 2003/0016327), Rakib (U.S. Published Patent Application No. 2002/0044225), and Williams (U.S. Published Patent Application No. 2002/0063855).

Applicants note that the rejections in Section 1 and Section 7 together constitute a rejection of all of the claims. Further, all of the claims are rejected in view of "Ross et al. (5859629)". Further still, although the Examiner indicated in Section 1 that the claims are rejected as being anticipated by Ogura et al. and Ross et al., Applicants assume that the rejection is for obviousness under 35 U.S.C. §103 and not anticipation. Applicants respectfully request clarification as to the Section 1 rejection.

001.1787723.1

-9-

Application Serial No. 09/975,544

BEST AVAILABLE COPY

Atty. Dkt. No. 035451-0146 (3683.Palm)

Applicants have carefully inspected the Examiner's Office Action and the prosecution file history and have not found any citation by the Examiner of a "Ross (5859629)" reference. Applicants assumed the Ross et al. reference to be U.S. Patent No. 5,859,626 however, Applicants found U.S. Patent No. 5,859,626 to be issued to Tognazzini for a "Linear Touch Input Device" which does not appear to be related to Applicants' claimed invention. Accordingly, Applicants respectfully submit that because Applicants can not ascertain what the Ross et al. reference is and the Examiner's Section 1 rejection requires clarity, Applicants respectfully submit that they have not received a fair hearing by the Examiner and an appropriate discourse of the merits of this case has not been established between the Examiner and Applicants. The examiner's first Office action will be a statement of the examiner's position and should be so complete that the second Office action can properly be made a final action. M.P.E.P 2262. Accordingly, Applicants request that a new non-final office action be issued by the Examiner correcting the above-mentioned deficiencies or alternatively, that the date for reply be reset and the deficiencies be corrected.

* * * * *

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers

-10-

001.1787723.1

Application Serial No. 09/975,544

BEST AVAILABLE COPY

Atty. Dkt. No. 035451-0146 (3683.Palm)

submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date May 09, 2005

By Alistair K. Chan

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5730
Facsimile: (414) 297-4900

Alistair K. Chan
Attorney for Applicant
Registration No. 44,603

-11-

001.1787723.1

Application Serial No. 09/975,544

BEST AVAILABLE COPY